

TMSP Reissuance Questions & Answers

Last Revised February 4, 2002

Introduction

This document is intended to provide answers to questions regarding reissuance of Tennessee Multi-Sector General Permit (TMSP) for Storm Water Discharges Associated with Industrial Activity.

As you know, the previous TMSP expired on December 31, 2001. The Division of Water Pollution Control (the Division) issued the new TMSP with an effective date of March 1, 2002. **For the existing facilities, NOI due date is 30 days following the effective date, i.e. March 30, 2002, but the NOI can be submitted at any time from now until the deadline.**

New Notice of Intent (NOI)

The NOI is a form used to apply for coverage under the new TMSP. Starting from October 22, 2001, the Division's Permit Section started sending out new NOI forms. The NOI was provided to all permittees covered by the current TMSP by E-mail or by regular mail. For permittee's convenience, facility information contained in our database was included in the form. If you have not received a new NOI, a copy of the form can be found at <http://www.state.tn.us/environment/wpc/forms/noiform.doc> (MS Word format) or at <http://www.state.tn.us/environment/wpc/forms/noiform.pdf> (in Adobe Acrobat format). Small business example of the completed NOI can be found at <http://www.state.tn.us/environment/wpc/forms/NOIsmbusi.pdf>. An example of completed NOI for a large corporation can be found at <http://www.state.tn.us/environment/wpc/forms/NOIlgbusi.pdf>.

What should facilities do with the new NOI?

For the existing permittees, the new NOI was provided as a file attachment (in the Microsoft Word file format) or pre-printed by regular mail. For the permittee's convenience, facility information from our database was included in the form. Pre-completed NOIs should be checked for accuracy. Updates or corrections should be made, if necessary. The NOI form should be printed (if it was provided by E-mail), and signed by a responsible corporate official. Of course, new applicants will have to complete a blank NOI form.

One (1) signed, original NOI should be mailed to:

**Storm Water NOI Processing
Tennessee Division of Water Pollution Control
6th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1534**

IMPORTANT! At this time, a facility CAN NOT obtain coverage under the new TMSP by submitting the NOI by fax, E-mail, Internet, or in any other electronic format. A completed NOI with an original signature (not a copy) must be mailed to the above listed address.

Additional Resources

TMSP guidance documents, links to relevant web sites, a copy of the blank NOI, a copy of "No Exposure Certification" memo, and examples of completed NOI forms (both for a large corporation and small business) are available on our web site:

<http://www.state.tn.us/environment/permits/strmh2o.htm>

No Exposure Certification Form

Any facility may discontinue permit coverage under TMSP if it is eligible for the "no exposure" permit exemption. "No exposure" permit exemption is a conditional exclusion applicable to all categories of industrial activity (except construction activity), with no exposure of industrial materials and activities to storm water. All facilities with point source discharges of storm water associated with industrial activity that satisfy criteria of no exposure and complete a no exposure certification form (available at http://www.epa.gov/npdes/pubs/NoExpoForm_app4.pdf) will be able to obtain exclusion from NPDES storm water permitting under TMSP.

A no exposure certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion. Details regarding requirements for No Exposure Certification can be found at:

<http://www.state.tn.us/environment/permits/noexpcert.htm>

What happens next?

The Permit Section will review and process NOIs and No Exposure Certification Forms in the order they are received. We will provide your facility with a Notice of Coverage, Notice of Termination (for No Exposure Certification Forms), as well as other TMSP related documents and correspondence.

To simplify communication in this process we want to use E-mail if you have it available. We ask you to provide us with an E-mail address to send updates, permit conditions, and notice

forms. Please send an E-mail to Storm.Water@state.tn.us with the subject line containing a permit tracking number. Here's an example:

Subject: TNR051234
From: permittee@facility.com

If you have a question about the permit reissuance, we do want to respond to your calls, E-mails and requests. However, considering that over 2,500 facilities are currently covered under TMSP, we urge you to look at the information here first in order to get answers to your questions. We will be updating this document, as needed.

Questions You Might Have

- A. What is the "storm water permit," and what does it permit me to do? What is the TMSP?
- B. What is the EPA storm water program?
- C. Wait a minute...what is storm water?
- D. What is an SIC code and why is it important?
- E. How can I find out more about the EPA storm water program?
- F. Do I need the industrial storm water permit (TMSP)?
- G. When should I submit one of these forms?
- H. Who can submit a No Exposure Certification Form?
- I. What will happen if I submit the No Exposure Certification form?
- J. What if I have exposure today, but I can eliminate my exposure soon?
- K. What will happen if I submit the Notice of Intent (NOI) form?
- L. Are there any fees associated with sending in these forms?
- M. Are there any fees associated with the industrial storm water permit?
- N. Definitions of terms
- O. Acronyms
- P. Miscellaneous links to web sites

Answers, Suggestions and Regulatory Framework

- A. What is the "storm water permit," and what does it permit me to do? What is the TMSP?

The industrial storm water permit, which we also call the "TMSP" (Tennessee Multi-Sector General Permit), is a permit that authorizes the operator of an industrial activity to discharge storm water runoff which may carry pollutants to the surface waters. This is simply the rain water that falls on the facility property and runs off into the street, or to a storm sewer, or to any other water conveyance (ditch, culvert, pond, channel, etc.), that transports the storm water to waters of the State of Tennessee.

The permit requires an operator to develop and maintain a storm water pollution prevention plan (SWPPP) for a facility. The SWPPP explains to you and your employees the practices you will follow at the facility so that storm water leaving your property is free of pollutants.

For instance, if there is material handling equipment on site, a best management practice you include in your SWPPP would be, for example, to maintain the fluid systems (oil, hydraulics, etc.) in good repair so that these fluids are not leaking to the ground and then entering storm water discharges.

The TMSP itself gives guidance on developing the SWPPP, and guidance documents are available. See the University of Tennessee's Center for Industrial Services web site at <http://www.cis.utk.edu>, and go to the Forms and Publications to find the document "Go with the Flow," a storm water training book for the TMSP.

B. What is the EPA storm water program?

This is a program that began in 1990, in a rule promulgated on November 16, 1990.

The storm water program is part of an older federal environmental permitting program called the National Pollutant Discharge Elimination System (NPDES) program. That program requires that discharges of wastewater from point sources into creeks, rivers, streams, lakes, reservoirs or into water conveyances that enter such waterways, must be permitted. The program also sets forth the procedures by which those permits are to be issued by the NPDES permitting authority. In the State of Tennessee, the State Department of Environment and Conservation is the NPDES permitting authority.

The storm water program requires that discharges of storm water runoff from industrial activity be covered by a permit. It also requires that cities with a population of over 100,000 obtain a storm water runoff permit. In Tennessee, the cities of [Memphis](#), [Nashville](#), [Knoxville](#), and [Chattanooga](#) have obtained such permits.

C. Wait a minute...what is storm water?

Storm water is rain water or snow melt. Exact definition of storm water found in the federal regulations is as follows: "Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage."

A discharge of storm water refers to the rainwater that runs off of your property. The storm water of concern to us is storm water associated with industrial activity.

The federal regulation itself may be found at 40 CFR 122.26. The definitions of storm water and of storm water discharges associated with industrial activity are found at 40 CFR 122.26 (b)(14).

D. What is an SIC code and why is it important?

SIC means **Standard Industrial Classification**. It is/was a system of using a four digit number to describe a given "industrial" activity. (This numbering system is being phased out, but is still used in the storm water regulations.) The numbers are grouped into divisions like mining, construction, manufacturing, transportation, wholesale trade, retail, finance, services, etc.

If you think that you do not have industrial activity and should not be regulated by the storm water program, then you have several options. If you can answer No to all the questions on the No Exposure Certification (NOEX) form, then the simplest procedure may be to simply complete the form and send it to us.

Alternatively, you can investigate what is your primary SIC code. If your primary SIC code is not industrial, then you can write to us, give us your primary SIC code and explain why your facility is not industrial. In some cases, if a facility's primary code is not industrial, but the secondary code is industrial, then the facility is also regulated under the storm water program. In your correspondence to us, give us the name of your facility, the SIC code(s) that best describes your activities, the facility address, a contact person at the facility and the phone number. To repeat, if you can answer No to all the questions on the NOEX form and send the form to us, this will satisfy the regulatory requirement.

Here is a web site that has information that may help you find out your SIC code.

<http://www.census.gov/epcd/ec97brdg/>

Here is a site where you can search for SIC code by key word:

<http://www.osha.gov/oshstats/sicser.html>

Here is a site where there is an explanation of what the numbers mean:

<http://library.willamette.edu/agsm/sic.htm>

E. How can I find out more about the EPA storm water program?

Here are some links to EPA Industrial SW information web sites that have much information on this program.

http://cfpub.epa.gov/npdes/stormwater/indust.cfm?program_id=6

F. Do I need the industrial storm water permit (TMSP)?

To answer this question, you must ask, "Is there a discharge of storm water associated with industrial activity from my facility?" These terms are defined in federal regulations, at 40 CFR 122.26 (b)(14). See this link for definition, http://cfpub.epa.gov/npdes/stormwater/swcats.cfm?program_id=6. The definition refers to SIC codes, which we talk about in item D above. Presently, we have over 2,600 industrial facilities in Tennessee permitted for storm water discharges. If you are an industry, as defined, then you must:

- either obtain a discharge permit for storm water by submitting a Notice of Intent (NOI) form; or
- submit to us a No Exposure Certification Form (NOEX).

G. When should I submit one of these forms?

You can submit a No Exposure Certification Form (if you satisfy criteria of no exposure) or a notice of intent (NOI) at any time.

In case you lose the forms that we provide you with, you can obtain them from the web at <http://www.state.tn.us/environment/permits/strmh2o.htm>. You can find a list of other useful links available on the web at the end of this document (see item P).

H. Who can submit a No Exposure Certification Form?

Any facility with a discharge of storm water associated with industrial activity that satisfies criteria of no exposure (Federal Register, page 68785, see text below) and completes a no exposure certification form.

We suggest that you first determine whether or not you are eligible for the no exposure exclusion. Take a look at the No Exposure Certification Form (NOEX), which can be found at http://www.epa.gov/npdes/pubs/NoExpoForm_app4.pdf. You will see instructions/information on the first page. On Page 2 of 4, there is a set of questions to ask about your facility to determine whether you are eligible for the exemption or not.

If you can answer No to all the questions, as the instructions state, then complete all parts of the form and mail it to us at the following address:

**Storm Water NOI Processing
Tennessee Division of Water Pollution Control
L&C Annex, 6th Floor
401 Church Street
Nashville, Tennessee 37243-1534**

Please do **NOT** use the Washington, D.C. address on the form itself.

If you cannot answer No to all the exposure questions on the NOEX form, or choose not to eliminate exposure, complete the Notice of Intent (NOI) form and submit a copy (with an original signature) to us at the above address.

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. “Sealed ” means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in storm water discharges (e.g., rock salt).

A No Exposure Certification Form must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, **not for individual outfalls**. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion.

By signing and submitting this No Exposure Certification form, the facility is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and conditions of 40 CFR 122.26(g).

MAKE A COPY OF ANYTHING YOU MAIL TO OUR OFFICES. We also suggest you send your mail certified/return receipt requested.

I. What will happen if I submit the No Exposure Certification form?

We will review it and record in our database that you have filed this form. We may inspect the facility to confirm that condition of no exposure is satisfied.

Please note that a condition of no exposure has to be maintained at the facility. In other words, you can not have exposure of significant materials while maintaining a no exposure status and certification with the Division. If you can not maintain condition of no exposure, complete the Notice of Intent (NOI) form and submit a copy (with an original signature) to us at the above address at any time.

Also note that you will be required to re-certify that there is no exposure at your facility. The rules state that you must re-certify this every 5 years.

J. What if I have exposure today, but I can eliminate my exposure soon?

You can do this and then send in the No Exposure Certification Form (NOEX).

Here is a link to a web site with EPA’s Fact Sheet on the no exposure exemption:
http://cfpub.epa.gov/npdes/stormwater/swphase2.cfm?program_id=6

K. What will happen if (or when) I submit the Notice of Intent (NOI) form?

The Division’s Permit Section will review the NOI. If the NOI is complete, you will obtain coverage under the new TMSP, as the Division will provide you with the Notice of Coverage (NOC) for TMSP.

L. Are there any fees associated with sending in these forms?

No. There are no fees required with these forms.

M. Are there any fees associated with the industrial storm water permit?

Yes, there is an annual fee associated with the industrial storm water permit. The fee ranges from \$0 for facilities of a size less than one acre, \$250 for facilities equal to or greater than one acre and less than five acres. The annual fee ranges up to \$700 for facilities equal to or greater than 500 acres in size:

- (i) Facilities equal to or greater than 500 acres.....\$700
- (ii) Facilities equal to or greater than 400 acres and less than 500 acres..... \$650
- (iii) Facilities equal to or greater than 300 acres and less than 400 acres..... \$600
- (iv) Facilities equal to or greater than 200 acres and less than 300 acres..... \$550
- (v) Facilities equal to or greater than 100 acres and less than 200 acres..... \$500
- (v) Facilities equal to or greater than 50 acres and less than 100 acres..... \$450
- (vi) Facilities equal to or greater than 25 acres and less than 50 acres.....\$400
- (vii) Facilities equal to or greater than 10 acres and less than 25 acres.....\$350
- (viii) Facilities equal to or greater than 5 acres and less than 10 acres.....\$300
- (ix) Facilities equal to or greater than 1 acres and less than 5 acres.....\$250
- (x) Facilities equal to or greater than 0 acres and less than 1 acre.....\$0

Chapter 1200-4-11: *Environmental Protection Fund Fees* can be found at:

<http://www.state.tn.us/sos/rules/1200/1200-04/1200-04-11.pdf>

N. Definitions of terms

The following definitions are intended as reference for those unfamiliar with the various terms used in this Question and Answer document. These may not be the exact definition that would be used in a legal setting.

Terms	Definitions
NPDES	Acronym for National Pollutant Discharge Elimination System; a federal program for regulating discharges of wastewater.
NPDES Permit	A permit that authorizes an operator of an activity, such as a manufacturing plant, to discharge wastewater.
Discharge	When wastewater or storm water exits or runs off your property.
Storm Water	Storm water runoff, snow melt runoff and surface runoff and drainage.
Pollutant	This can refer to any sort of material or chemical in storm water that would or could result in contamination of streams. For instance, oils, sediment, silt, fertilizer, dissolved metals, etc.
Notice of Intent (NOI)	A form used to apply for a general permit.
General Permit	In the NPDES program, a general permit is a single permit potentially applicable to many different facilities; this is the kind of permit used to cover storm water discharges.
Individual Permit	A permit that is issued to only one facility.
Point source	Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. (See 40 CFR §122.3).
Notice of Coverage	Notice of Coverage (NOC) - NPDES general permits notice from state to permittee that discharges listed on NOI are covered under permit

O. Acronyms

Acronym	Definition
EAC	Environmental Assistance Center (TDEC), in TN toll free at 1-888-891-TDEC to get the local regional office for assistance on environmental problems
EPA	US Environmental Protection Agency
FAQ	Frequently asked questions
MS4	Municipal separate storm sewer system
N/A	Not Applicable
NA	Not Applicable
NAICS	North American Industrial Classification System (replacement for SIC Codes)
NOC	Notice of Coverage - NPDES general permits notice from state to permittee that discharges listed on NOI are covered under permit
NOEX	No Exposure Certification for Storm Water Discharge General Permit
NOI	Notice of Intent to comply with general permit sent from potential permittee to state
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
NPS	Non-Point Source pollution - type of water pollution, not from point source such as a pipe
SIC	4 digit Standard Industrial Classification published in 1987, being replaced by 6 digit NAICS code
SWP3	Storm Water Pollution Prevention Plan, same as SWPPP
SWPPP	Storm Water Pollution Prevention Plan
TDEC	Tennessee Department of Environment and Conservation
Topo	Topographic map - a map that shows elevations as well as other features. Used to determine where hills and valleys are and to show where water will run
USGS	United States Geological Survey, US Dept of Interior
Web Page	Internet page where information is viewable
WPC	Water Pollution Control
www	World Wide Web

P. Miscellaneous links to web sites

Tennessee Storm Water Multi-Sector General Permit For Industrial Activities (TMSP) location:
<http://www.state.tn.us/environment/permits/tsmp.htm>

NOI form in MS Word format:
<http://www.state.tn.us/environment/wpc/forms/noiform.doc>

NOI form in PDF format:
<http://www.state.tn.us/environment/wpc/forms/noiform.pdf>

No Exposure Certification (NOEX) from:
http://www.epa.gov/npdes/pubs/NoExpoForm_app4.pdf

EPA Industrial SW information:
http://cfpub.epa.gov/npdes/stormwater/indust.cfm?program_id=6

SIC codes:

<http://www.osha.gov/cgi-bin/sic/sicser5>

Search for SIC code by key word:

<http://www.osha.gov/oshstats/sicser.html>

Explanation of what the SIC numbers mean:

<http://library.willamette.edu/agsm/sic.htm>

To convert codes from NAICS to SIC and back:

<http://www.census.gov/epcd/www/naics.html>

Latitude and Longitude Finders:

- [Given Street Addresses](#) (MapBlast web site)
- [Given Place Name and State or Zip Code](#), using the 1990 Census Lookup server.

"No Exposure Certification" memo:

<http://www.state.tn.us/environment/permits/noexpcert.htm>

Chapter 1200-4-11: *Environmental Protection Fund Fees* can be found at:

<http://www.state.tn.us/sos/rules/1200/1200-04/1200-04-11.pdf>